

PLANNING AND ZONING BOARD

AUGUST 8, 2007

1. ROLL CALL

The meeting was called to order at 7:03 p.m. Board members present were Chair Mike Bender, Vice-Chair John Stevens, Philip Busey (arrived 7:04 p.m.), and Mimi Turin. Also present were Attorney Julie Klahr, Acting Planning and Zoning Manager Marcie Nolan (departed at 7:25 p.m.), Acting Deputy Planning and Zoning Manager David Abramson, Planner Lise Bazinet, Urban Forester Timothy Lee, and Board Secretary Janet Gale recording the meeting. Dan Pignato was absent.

2. APPROVAL OF MINUTES: June 27, 2007

Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve the minutes of June 27, 2007. In a voice vote, with Messrs. Busey and Pignato being absent, all voted in favor. **(Motion carried 3-0)**

3. PUBLIC HEARING

Rezoning

3.1 ZB 6-2-06, Barranco Gonzalez Architecture/Anchor Development, LLC, 2600 Davie Road (from M-4, County to M-3, Town) **(tabled from July 11, 2007)**

Chair Bender advised that the applicant had requested a tabling to September 12, 2007, and he asked for a motion.

Vice-Chair Stevens so moved, seconded by Ms. Turin. In a voice vote, with Messrs. Busey and Pignato being absent, all voted in favor. **(Motion carried 3-0)**

Chair Bender advised that he had a request to move up item 3.8 as the petitioner had an appointment with the South Florida Water Management District.

Vice-Chair Stevens made a motion, seconded by Ms. Turin, to address item 3.8 next. In a voice vote, with Messrs. Busey and Pignato being absent, all voted in favor. **(Motion carried 3-0)**

Vacation

3.8 VA 7-1-07, URS Corporation/ Broward County Parks and Recreation Department, 4001 SW 142 Avenue

Robert Zuccaro, representing the petitioner, was present. Mr. Abramson summarized the planning report.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, he closed the public hearing.

Mr. Zuccaro presented a larger map for the Board members to review.

Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – absent; Ms. Turin – yes. **(Motion carried 4-0)**

3.2 ZB 4-1-07, Sharpe Project Development/SCI Funeral Services of Florida, Inc., 2401 SW 64 Avenue (from A-9 to CF)

Marc Ferrara, representing the petitioner, was present. Mr. Abramson summarized the planning report.

Chair Bender asked if the petitioner had to pay taxes. Mr. Abramson responded affirmatively.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, he closed the public hearing.

Vice-Chair Stevens asked about the staff recommendation for a letter from the petitioner indicating that the subject site was under one ownership. Mr. Abramson explained why that comment had been necessary and he had received the letter.

PLANNING AND ZONING BOARD
AUGUST 8, 2007

Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – absent; Ms. Turin – yes. **(Motion carried 4-0)**

Special Permits

3.3 SE 6-1-07, Morgan – Miami Dolphins/Nova Southeastern University, 7500 SW 30 Street (RAC-AV)

Mat Thomas, representing the petitioner, was present. Mr. Abramson summarized the planning report.

Mr. Thomas advised that the seam joining the two units ran east and west rather than north and south. He distributed diagrams to the Board members for clarification.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, he closed the public hearing.

Ms. Turin made a motion, seconded by Mr. Busey, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – absent; Ms. Turin – yes. **(Motion carried 4-0)**

3.4 SE 7-1-07, Miller Legg/Davie Travel Center, 4751 SW 30 Street (TS)

Neil Kalis, Steven Fielden and Jill Cohen, representing the petitioner, were present. Mr. Abramson summarized the planning report.

At Mr. Busey's request, Mr. Abramson defined the northern boundary line and indicated that the petitioner would clarify their request for temporary signage.

Ms. Turin and Chair Bender disclosed that they each received a phone message from Mr. Kalis and were unable to return his call. Vice-Chair Stevens and Mr. Busey disclosed that they had spoken with Mr. Kalis earlier in the day.

Mr. Kalis made a presentation in which he focused on the evolution of this mixed-use project which was intended to capture the vision of the intent of the Transit Oriented Corridor which the Town had encouraged. He explained the dilemma regarding the Town's ability to provide water and sewer to the site and that financial support would be difficult without knowing when improvements could be made in order for investors to be repaid. Mr. Kalis advised that landscaping had not been installed because of the water/sewer issue which may be three-to-five years before the problem was resolved according to the Town's estimate.

Mr. Kalis referenced a second issue regarding the Spur Road access which was supposed to be conveyed to the Town by the Florida Department of Transportation; however, that issue was "up in the air" and yet to be resolved. He believed that in lieu of these developments, an extension of the special permits was needed in order to work with the Town to figure out where they were going and where the Town would be going. Considering these developments as well as providing other reasons, Mr. Kalis explained that the installation of permanent landscaping would be counter productive and costly. He was, however, willing to do a screening of some sort in order to show good faith and, therefore, started planting a continuous hedge of Ficus bushes which was staff's plant of choice. Mr. Kalis explained his interpretation of Council's direction regarding the maintenance of the hedge which was to have it trimmed and topped as necessary to keep it filled out and so it would not turn into trees.

Mr. Kalis asked if there was a possible way to have an extension of two years for the review of the special permit. If it could not be extended, he hoped that it would be a reasonable, quick review if the Town was not ready to provide the water.

PLANNING AND ZONING BOARD
AUGUST 8, 2007

Mr. Kalis advised that he was in agreement with removing the exotics and invasive species from the site as well as the adjacent right-of-way. They also agreed to landscape around the poles which supported the signage and he explained why they had requested the signage.

Chair Bender could not recall having mandatory inspections of a hedge by Town's staff at the owner's expense and was curious about the recommendation. Mr. Abramson explained that the Ficus needed to be maintained in order to keep them from becoming trees and becoming a nuisance during hurricane season. Chair Bender spoke of another project that had been approved subject to certain landscaping requirements; however, that project was operating its business without having fulfilled its obligations. He felt that what was fair for one, was fair for everyone. Chair Bender believed that it would not behoove the petitioner to allow the Ficus to grow into trees and explained his logic. He, therefore, believed that item four was not necessary. Ms. Cohen stated her agreement that it was not in the petitioner's best interest to allow the Ficus to grow into trees.

Vice-Chair Stevens noted that the application was for a period of 18 months with an extension available for another 18 months and he asked if there was a way to make the extension automatic so the petitioner would not have to come back. Mr. Abramson responded affirmatively noting that it would be up to Council.

Mr. Busey asked about the annual loss of \$2,000,000 that had been claimed in a letter from Mr. Kalis dated July 13, 2007. Mr. Kalis listed some of the expenses which had been incurred and indicated that Mr. Fielden could better provide a breakdown of the economics.

Mr. Busey expressed that the Truck Stop would have been a perfectly good use of the property and wondered why and when the applicant had decided not to landscape as had been agreed to over a year ago. Mr. Kalis explained how the decision was made to change from the Truck Stop to this project which was a higher and better use of the corridor, was encouraged by the Town, and was mutually beneficial. It was not until January of 2007 when the water/sewer issue changed everything as it had been discovered that the site was not in the Town's franchise area. Mr. Kalis agreed that it was not just landscaping, but real issues that had to be resolved before moving forward. Mr. Fielden expounded on the reasons why the landscaping had not been installed.

A discussion ensued regarding irrigation and short-term verses long-term plans.

Chair Bender asked if anyone wished to speak on this item.

Ellen Feld had no objection to the project but wanted to be assured that when the site was ready for permanent development, that the drainage would flow north or be contained on site and not drain south towards the Tindel Hammock property.

As there were no other speakers, Chair Bender closed the public hearing.

Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve subject to the Ficus hedge being approximately a minimum of five-feet with no gaps along the northern borderline and being properly maintained; that the special permit be for 18 months with an automatic extension of another 18 months upon staff's approval; that all exotic species be removed; and that the supporting poles for the signage be fully concealed.

For purpose of discussion, Mr. Busey asked Ms. Nolan when she anticipated the water problem to be resolved. Ms. Nolan advised that first the land would have to be purchased and then it would take three years to build the plant. She spoke of other options and indicated that Council was researching this problem from every angle. A brief discussion ensued regarding the pros and cons of the Truck Stop as opposed to this project.

In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – no; Mr. Pignato – absent; Ms. Turin – yes. **(Motion carried 3-1)**

PLANNING AND ZONING BOARD
AUGUST 8, 2007

Variances

3.5 V 3-1-07, Barranco Gonzalez Architecture/Anchor Development, LLC, 2600 Davie Road (M-4, County) **(tabled from July 11, 2007)**

Chair Bender advised that there was a request to table this item to September 12, 2007, and, therefore, asked for a motion.

Vice-Chair Stevens so moved, seconded by Ms. Turin. In a voice vote, with Mr. Pignato being absent, all voted in favor. **(Motion carried 4-0)**

3.6 V 5-1-07, Peak, 8320 SW 55 Court (R-3)

Don Peak, the petitioner, was present. Ms. Bazinet summarized the planning report.

Mr. Peak explained the use for the room which he intended to enclose. When he had applied for a building permit and was half way through construction, he had been advised that a variance was necessary even though there was no change in the setback.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – absent; Ms. Turin – yes. **(Motion carried 4-0)**

3.7 V 5-2-07, Associated Engineers of South Florida, Inc./Russell, 7800 Davie Road Extension (B-2)

Gus Aguirre, representing the petitioner, was present. Ms. Bazinet summarized the planning report.

Ms. Turin asked a few questions for clarification of the request.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – absent; Ms. Turin – yes. **(Motion carried 4-0)**

4. OLD BUSINESS

There was no old business discussed.

5. NEW BUSINESS

Mr. Busey asked that staff think of another possibility for processing variance requests which involved homeowners who bought homes that were built according to one set of specifications and then through no fault of their own, the rules were changed and now they needed to go through a costly variance process in order to make improvements which were based on the original setback requirements. It seemed to him that this was an unnecessary expense for the applicant and there may be several that have to be addressed at each meeting.

Ms. Bazinet advised that a Code amendment was being considered for an alternative procedure for single-family homeowners who were continuing the same setbacks. She indicated that when staff finished the proposal, it would come before the Board for review.

6. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

PLANNING AND ZONING BOARD
AUGUST 8, 2007

7. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 8:24 p.m.

Date Approved: _____

Chair/Board Member